



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

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Commissioner

Date: May 2, 2006

Subject: Changes to draft of notice of proposal of new rules implementing the Smoke Free Air Act filed with the Office of Administrative Law

This notice is to alert interested persons as to technical and substantive changes to the draft notice of proposal of new rules at N.J.A.C. 8:6 to implement the New Jersey Smoke Free Air Act, N.J.S.A. 26:3D-55 et seq. The Office of Administrative Law has reviewed the draft and has made technical and substantive changes to the proposal, in consultation with the Department. The revised notice of proposal is available for download from the Smoke-Free Air Initiative website at www.smokefree.nj.gov. **The notice of proposal is not in final or official form until it is published in the New Jersey Register. The Department will not accept written comments on the proposal until after the proposal is published in the New Jersey Register on May 15, 2006.**

The following changes are of particular note:

- The revised notice establishes the public hearing date, the date by which persons who wish to be placed on the public hearing speakers list must notify the Department, and the date by which written comments must be received by the Department.
- The Department has reassessed the draft guideline establishing a minimum setback of 25 feet from openings to an indoor public place or workplace. The revised notice of proposal would require owners and operators to establish site-specific conditions for smoking in exterior areas of their establishments appropriate to their particular circumstances and environs to ensure that smoke does not enter nonsmoking areas of establishments at which smoking is prohibited. Local municipal and county governments would retain authority pursuant to N.J.S.A. 26:3D-63 to articulate conditions for smoking in exterior areas, such as minimum distance setbacks or "buffer zones," provided those conditions "provide restrictions on or prohibitions against smoking equivalent to, or greater than, those provided under" the Act and the proposed new rules. See N.J.S.A. 26:3D-63.